

May 19, 2006

Mr. Robert Schneider, Chair
Board Members
Pamela Creedon, Executive Officer
Bill Croyle, Irrigated Lands Program
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, No. 200
Rancho Cordova, California 95670-6114

RE: Opposition: Conditional Waiver for Irrigated Land Discharges

Dear Messrs. and Mesdames:

Doctors, teachers, students, farm workers, birders, fishermen, environmentalists, public health advocates, cancer advocacy groups, women's groups, legal defenders, recreational boaters, surfers, political activists, community groups and concerned citizens have come together to voice **strong opposition to the proposed conditional waiver for irrigated agriculture.**

Three years ago, we approached this board concerned that the 2003 waiver would be insufficient to protect the water resources on which so many Californians rely. Our worst fears have been realized as the current waiver allowed continued discharge from 7 million acres of irrigated agriculture into a severely impaired Delta ecosystem without any enforcement action on polluters, compliance with monitoring requirements or accountability. This, despite the fact that several years of monitoring by U.C. Davis staff and limited monitoring by the coalitions have established that virtually all agriculturally dominated waterbodies violate numerous water quality standards, most are toxic to aquatic life, and unfit to support protected public trust uses.

According to the U.S. EPA's 2002 list of impaired water bodies and the results of UC Davis and coalition monitoring, thousands of miles of rivers and streams in the Central Valley, including the Sacramento and San Joaquin Rivers and Delta, are so polluted by agricultural pollutants that they are unsafe for uses such as fishing, swimming, and/or drinking. California's vast Delta ecosystem is crashing rapidly. Biologists point to degraded water quality as one of the principle causes. Scientists attribute these problems to a chemical stew of pesticides, herbicides and cancer-causing elements in Delta waterways, which in addition to fish habitat serve as drinking water for two-thirds of Californians. The Little Hoover Commission found last fall in its CALFED analysis that ***"The Delta is so critical to California's future that no water policy will be successful if the estuary is not restored."***

We rely on the Regional Board to regulate pollution, to enforce clean water laws *and to protect the public interest.* Without question, the 2006 waiver protects the interests of industrial agriculture but certainly not those of the public.

Given the severity of pollution found to date and the keystone role of the Delta in California water policy, **General Waste Discharge Requirements (WDRs)**, rather than a waiver, **should be developed as the most effective and enforceable approach for addressing agricultural pollution.** Regional Board staff did draft General WDRs, but no action was taken on them. Efforts to extend the current waiver must compare the effectiveness, enforceability, costs and efficacy of the proposed new waiver with potential General WDRs.

Alternatively, if the Regional Board chooses to extend the waivers, we believe it must include the following provisions:

- All dischargers must file “notices of intent to comply” with the waiver,
- Enrollees must prepare individual farm-based Pollution Prevention Plans,
- Coalitions must develop management plans that address all water quality standards violations,
- Enrollees must comply with set requirements for discharges to groundwater, not just surface water, and
- The monitoring component must include independent third party monitoring.
- Finally, fees must be set to support at least the 18.5 PYs authorized to oversee the program.

The Central Valley Regional Board’s current waiver essentially cedes the Board’s statutory responsibility to protect waterways to industry advocacy groups. Under this system, the Regional Board does not know who is participating in the waiver program, who is discharging and what pollutants are being discharged, or who has/has not implemented BMPs. **The health of California’s water supply and Delta depends on the Regional Board acting now to fix its broken agricultural runoff program.**

Sincerely,

Steven Bates
Action Whitewater Adventure

Leo O’Brien, Executive Director
Sejal Choksi, San Francisco Baykeeper
Baykeeper

Marsha Mather-Thrift
Bluewater Network, a division of Friends of the Earth

Barbara Brenner, Executive Director

Breast Cancer Action

Barbara Vlamis, Exec. Director
Butte Environmental Council

Gary Seput
California Trout

Linda Sheehan, Exec. Director
California Coastkeeper Alliance

Jane Williams
California Communities Against Toxics

William Jennings, Exec. Director
California Sportfishing Protection Alliance

Gary R. Adams, State Board President
California Striped Bass Association

Patty Clary
Californians for Alternatives to Toxics

Andrea Wilson
Californians for Pesticide Reform

Carolee Krieger, President
California Water Impact Network

Michael Green
Center for Environmental Health

Noah Chalfin
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Laurel Firestone
Center on Race, Poverty and the Environment

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Deltakeeper Chapter of Baykeeper

Steven Proe
El Dorado Tax Payers for Quality Growth

Dan Silver
Endangered Habitats League, The

Sujatha Jahagirdar
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David Nesmith
Environmental Water Caucus

Bill Walker, VP/West Coast
Environmental Working Group & EWG Action Fund

Marilyn Garret
Farm Without Harm

Dr. C. Mark Rockwell, D.C., VP Conservation- Northern California Council
Federation of Fly Fishers

Marilyn Borchardt
Food First/Institute for Food and Development Policy

Joan Poss
Fresno Coalition Against the Misuse of Pesticides

Steve Evans, Conservation Director
Friends of the River

Neil Gendel, Katie Sternfels
Healthy Children Organizing Project

Sherri Norris, Communications and Outreach Coordinator
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Humboldt Baykeeper

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Save the Bay

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Toxic Action Coalition- Monterey Bay